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ARIZONA ATTORNEY GENERAL

August 15, 1952
Op. No. 52-240

Mr. Robert Morrison
County Attorney
Pima County Courthouse
Tucson, Arizona

Dear Mr. Morrison:

This will acknowledge a letter of August 8, 1952, written by Mr. William S. Dunipace, Special Counsel for the Pima County Planning and Zoning Commission, at your direction, requesting an opinion concerning the publication of the newly passed County Zoning Ordinance for Pima County, with special reference to the following questions:

- "1. Is the Board of Supervisors required to publish the full minutes of its proceedings in the official County Newspaper, or any other newspaper published within the County and being of general circulation?
2. Are all ordinances, such as the ordinances authorized under the Planning and Zoning Act, and which include not only the newly enacted Zoning Ordinance but any other ordinance dealing with the field covered by the Planning and Zoning Act, required to be set forth verbatim in the minutes of the Board of Supervisors, or may they be included by reference?
3. If publication of the minutes is required in a newspaper, must such publication comply with Section 18-102?
4. Can you find any other section of the Constitution or the statutes dealing with this problem?"

Referring to your first question, Section 17-306, ACA 1939, provides:

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"Minutes of proceedings--Record of demands and warrants.-- Each board shall cause to be recorded in full all of the proceedings had by it in a book kept and called the Minute Book of the board, and cause to be entered therein separately, the number of each demand allowed, by whom presented, the amount of said demand, from what fund the demand is payable, the number of each warrant ordered drawn by them, to whom payable, the amount of each warrant and for what service or supplies said warrant is drawn. They shall cause to be published the full minutes of proceedings not later than one (1) month after each meeting." (Emphasis supplied)

A careful search of the statutes, the Enabling Act and the Constitution of the State of Arizona fails to disclose any requirement that county ordinances must be published in the official newspaper of the county after they have been passed. The only reference to publication is contained in the last sentence of Section 17-306, supra, which provides that they shall cause to be published the full minutes of proceedings not later than one month after each meeting.

Vol. 35, Words and Phrases, at page 445, states:

"The usual general meaning of 'published' is to make public; to make known to people in general; to make public in a newspaper, book, circular or the like."

Ford v. Owens, 158 S.E. 147, 150,
160 S. C. 168.

Under this definition it is our opinion that the statute requires publication of the minutes either by publication in a newspaper or by publication of pamphlets containing the minutes which are made available to the public. In the event these minutes are published in the newspaper, it is our opinion that they must be published in accordance with the provisions of Section 18-102, ACA 1939, as amended, that is, at least six times in a daily paper or four times in a weekly paper.

In reply to your question No. 2, in which you request to be informed as to whether the statute requires that the zoning

ordinance be set forth verbatim in the minutes of the Board of Supervisors or may be included by reference, you are advised that the word "minute" is defined by Webster to be:

" a small portion; to set down a short sketch or note of it; to jot down; to make a brief summary of."

Henshaw v. State, 47 N.E. 157, 171,
147 Ind. 377.

You will note from the above quoted Section 17-306 that there is no provision requiring the Board of Supervisors to record verbatim, or in full, in their minutes the ordinances which have been passed. From Webster's definition of "minute" and the law above quoted, it is our opinion that a summary or brief sketch referring to the zoning ordinances and the filing of the various maps, designated either by letter or numeral, and the action taken by the board, is sufficient for the purpose of the minutes, and it is not necessary that the full transcript of the zoning acts and maps be spread on the minutes or published at length.

Answering question No. 3, it is our opinion that if the minutes are published in a newspaper such publication must comply with Section 18-102 ACA 1939, as stated in our reply to question No. 1.

With reference to question No. 4, the only other section of the constitution or statutes we were able to find dealing with the problem of publication of minutes is found in Section 18-105 ACA 1939, requiring the Board of Directors and Board of Equalization to publish minutes. This section provides in part as follows:

"The board of directors of state institutions and the state board of equalization shall publish the minutes of their proceedings. * * *"

The Board of Equalization has for the past several years been publishing its minutes in pamphlet form for distribution to the public and to date this method of publication has not been questioned.

This opinion is based on the assumption that prior to the adoption of the County Zoning Ordinance the required public hearing and notice thereof by publication in a newspaper, as provided in Section 17-1908 ACA 1939, as amended, were complied with by the

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Zoning Commission, and that after adoption by the Commission the Board of Supervisors complied with the provisions of Section 17-1909 ACA 1939, as amended, requiring public hearing and notice thereof by publication in a newspaper; further that the time and place of publication and notice were in accordance with Section 18-102 ACA 1939, which provides that if in a weekly once in each week for four consecutive weeks, and if in a daily six consecutive times.

Hoping this will be of assistance to you, we are

Very truly yours,

FRED O. WILSON
Attorney General

NEWMAN W. WHITE
Assistant Attorney General

NWW:f
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